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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

JOHN DAVID PAMPLIN,

Plaintiff,

vs.

LIBBY, et al.,

Defendants

Case No. 3:18-cv-00532-MMD-CLB

**MOTION TO WITHDRAW ANSWER AND
OR SEAL CONTACT INFORMATION OF
DEFENDANT**

Defendant Justin Libby (Defendant) by and through counsel, Aaron D. Ford, Attorney General of the State of Nevada, and Peter E. Dunkley, Deputy Attorney General, hereby submits this Motion to Withdraw and/or Seal the Answer filed by Defendant (ECF No. 16 and 16-1) and to seal permanently ECF No. 16-1, which contains the personal contact information for Defendant Justin Libby.

MEMORANDUM OF POINTS AND AUTHORITIES

I. BACKGROUND

The Office of the Attorney General (OAG) filed last known addresses for Defendants (ECF No. 11). Defendant was served with a copy of the complaint on or about January 2, 2020. On January 8, 2020, Defendant, in *pro per*, filed an answer which included confidential contact information, which this court sealed, at least temporarily (ECF No. 16-1). Defendant did not know that the OAG had already provided the Court with Defendant's last known address. Also on January 8, 2020, Defendant requested representation from the Office of the Attorney General and the OAG agreed to do so. Accordingly, Defendant moves to withdraw his answer (ECF No. 16) and permanently seal his contact information (ECF No. 16-1).

II. ARGUMENT

Courts have recognized a general right of the public to inspect and copy public records and documents, including judicial records and documents. *See Kamakana v. City & Cnty. of Honolulu*, 447 F.3d 1172, 1178 (9th Cir. 2006) (internal citation omitted). The strong presumption of public access must be overcome by a party seeking to seal a judicial record. *Ctr. for Auto Safety v. Chrysler Grp., LLC*, 809 F.3d 1092, 1096 (9th Cir. 2016) (citing *Kamakana*, 447 F.3d at 1178). This is a stringent standard, and a party must demonstrate “a compelling reason and [articulate] a factual basis . . . without relying on hypothesis or conjecture” to justify sealing court records. *Ctr. for Auto Safety*, 809 F.3d at 1096–97. The “compelling reason” standard applies to any motion “more than tangentially related to the merits of a case[,]” but especially applies to dispositive motions. *Id.* at 1100–01. What constitutes a compelling reason is within the discretion of the District Court, including items that could “gratify private spite or promote public scandal....” *Id.* at 1097. Home addresses of law enforcement officers meets the compelling reason standard. *See Roberts v. Clark Cty. Sch. Dist.*, No. 215CV00388JADPAL, 2016 WL 1611587, at *1 (D. Nev. Apr. 21, 2016) (unreported, citing *Kamakana*, 447 F.3d at 1182; Fed. R. Civ. Pro. 5.2).

In this case, consistent with the standard practice in inmate litigation, which is to provide last known addresses, under seal, in order to protect against the disclosure of addresses of law enforcement officers, or former law enforcement officers. (*See, e.g.*, ECF No. 11, (under seal filing of Defendants last known address).) Accordingly, Defendant respectfully withdraws his answer (ECF No. 16) and requests that his address and other contact information be sealed (ECF No. 16-1).

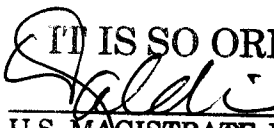
III. CONCLUSION

For the above stated reasons, Defendant requests that his answer be withdrawn and his personal contact information be sealed.

DATED this 9th day of January, 2020.

AARON D. FORD
Attorney General

By: /s/ Peter E. Dunkley
PETER E. DUNKLEY, Bar No. 11110
Deputy Attorney General

IT IS SO ORDERED


U.S. MAGISTRATE JUDGE
DATED: 1/10/2020

Attorneys for Defendants

CERTIFICATE OF SERVICE

I certify that I am an employee of the Office of the Attorney General, State of Nevada, and that on this 9th of January, 2020, I caused to be served a copy of the foregoing, **MOTION TO WITHDRAW ANSWER AND OR SEAL CONTACT INFORMATION OF DEFENDANT**, by U.S. District Court CM/ECF Electronic Filing on:

John D. Pamplin #74405
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/s/ Caitie Collins

An employee of the
Office of the Attorney General